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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN EUGENE LEPLEY,)
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Plaintiff,)
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v.)
)
STATE OF NEVADA et al.,)
)
Defendants.)
_____)

2:16-cv-02848-RFB-CWH

ORDER

I. DISCUSSION

On September 30, 2017, the Court entered a screening order granting Plaintiff 45 days to file a first amended complaint. (ECF No. 33 at 8). The order directed the Clerk of the Court to send Plaintiff a form complaint and a copy of his original complaint. (*Id.* at 9). The order stated that, if Plaintiff did not file a first amended complaint, the Court would dismiss the case with prejudice for failure to state a claim. (*Id.*)

On October 5, 2017, Plaintiff filed a motion to extend time to file his first amended complaint. (ECF No. 35 at 1). Plaintiff seeks a 90-day extension of time to file his first amended complaint in part because the Clerk of the Court did not send him a form complaint or a copy of his original complaint. (*Id.* at 1-2). The Court grants Plaintiff's motion for an extension of time. Plaintiff shall file his first amended complaint on or before Friday, December 29, 2017.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the motion for extension of time (ECF No. 35) is granted. Plaintiff shall file his first amended complaint on or before Friday, December 29, 2017.

1 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
2 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
3 original complaint (ECF No. 1). If Plaintiff chooses to file an amended complaint, he must
4 use the approved form and he will write the words "First Amended" above the words "Civil
5 Rights Complaint" in the caption.

6 IT IS FURTHER ORDERED that, if Plaintiff fails to file an amended complaint curing
7 the deficiencies outlined in the screening order, the court will recommend dismissal of
8 Plaintiff's case.

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10 DATED: October 17, 2017.

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13 _____
14 United States Magistrate Judge
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